

OFFICE OF THE ATTORNEY GENERAL Attorney General Tom Miller

STOP Violence Against Women Act (STOP VAWA)

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STOP <u>Violence Against Women Act funds (STOP VAWA)</u> promote a coordinated, multidisciplinary approach to improving the criminal justice system's response to violence against women. This approach envisions a partnership among law enforcement, prosecution, the courts, victim advocates and service providers to ensure victim safety and offender accountability.

This grant program provides funding for projects that assist in efforts to reduce violence against women and men, specifically domestic violence, sexual assault, stalking, and dating violence.

Services, Training, Officers, Prosecution (STOP) funding is included in the Violence Against Women Act, which was reauthorized in 2013. STOP Violence Against Women Subrecipients must adhere to all requirements in the VAWA Act

In addition, STOP subrecipients must adhere to all requirements in the <u>DOJ Grants Financial Guide</u> and the OMB Uniform Guidance.

See STOP Legislative Authority

See STOP Violence Against Women Act certified assurance

Eligibility

Programs may include, but are not limited to:

- state offices and agencies,
- public or private nonprofit agencies.
- units of local government, nonprofit and
- non-governmental victim services programs.

A local unit of government is defined as a city, county, town, township, or other general-purpose political subdivision of a state and includes Indian tribes, which perform law enforcement functions as determined by the Secretary of the Interior.

Statutory Definitions Under 42 U.S. C –3796gg-1-(c)(3):

Law Enforcement – a public agency charged with policing functions, including any of its component bureaus.

Prosecution – any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus.

Victim Services – a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

Courts – any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decision-making authority.

Community Based Organization (an organization that):

- Focuses primarily on domestic violence, dating violence, sexual assault or stalking;
- Has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault or stalking;
- Has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault or stalking; or
- Obtains expertise, or shows demonstrated capacity to work effectively on domestic violence, dating violence, sexual assault or stalking through collaboration.

Purpose Areas

The purpose of the STOP Violence Against Women Grant Program is to assist state agencies, units of local government, nonprofit, faith-based and community organizations in carrying out specific projects which offer a high probability of improving the functioning of the criminal justice system. This grant program provides funding for projects which assist organizations in their efforts to reduce violence against women focused on domestic violence, sexual assault and stalking.

The overriding objective of this funding continues to be the implementation of comprehensive strategies that are sensitive to the needs and safety of victims and hold offenders accountable for their crimes. Programs supported with VAWA grant funds must meet one or more of the fifteen federally defined program purpose areas noted below:

- 1. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;
- Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;
- 3. Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;
- 4. Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;
- 5. Developing, enlarging, or strengthening victim services programs, including sexual assault, domestic violence, and dating violence programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault, domestic violence, and dating violence;
- 6. Developing, enlarging, or strengthening programs addressing stalking;
- 7. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and

domestic violence:

- 8. Supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by state funds, to coordinate the response of state law enforcement agencies, prosecutors, courts, victim services agencies, and other state agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;
- Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;
- 10. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;
- 11. Providing assistance to victims of domestic violence and sexual assault in immigration matters;
- 12. Maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;
- 13. Supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—
- 14. Developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;
 - Notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;
 - Referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and
 - Taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order
- 15. To provide funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and State, tribal, territorial, and local governments, (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—
 - The development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as "Crystal Judson Victim Advocates," to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel:
 - The implementation of protocols within law enforcement agencies to ensure consistent and
 effective responses to the commission of domestic violence by personnel within such agencies
 (such as the model policy promulgated by the International Association of Chiefs of Police
 ['Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence
 Against Women Project' July 2003];
 - The development of such protocols in collaboration with State, tribal, territorial and local victim services providers and domestic violence coalitions.

NOTE: Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol. As such, States are responsible for ensuring that each subgrantee receiving funds under this purpose area will receive the required annual training.

States are also responsible for ensuring that subgrantees submit their 2-year report to the Department of Justice. States and Territories must notify and provide the Office on Violence Against Women with a list of subgrantee recipients awarded STOP funds under the Crystal Judson Domestic Violence Protocol Program.

16. Developing and promoting State, local, or tribal legislation and policies that enhance best practices

- for responding to domestic violence, dating violence, sexual assault, and stalking (Programs would need prior authorization to use VW funds for this purpose by the Victim Services Support Program and the Office on Violence Against Women).
- Developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault;
- 18. Developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;
- 19. Developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings;
- 20. Identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims;
- 21. Developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18. United States Code; and
- 22. Developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a State to be used for this purpose.

Allowable Services/Costs

STOP VAWA funds may be used for/to:

- Personnel, training, technical assistance, evaluation, data collection and equipment costs to
 enhance the apprehension, prosecution and adjudication of persons committing violent crimes against
 women. Children's services must be inextricably linked to providing services to victims of domestic
 violence. For example, STOP funds may support the expansion of shelter services for battered
 women to include programs for their children.
- **Transportation costs,** in limited circumstances, that are reasonable and would enhance a woman's safety, including transportation out-of-state.
- Operational costs of a facility, such as a shelter, however if the project is supported with funds from other sources as well, i.e. VOCA or other funding, the rent and operational expenses must be prorated among the different funding sources. If the shelter owns its own facility, rent for use of that facility may not be charged to the grant at all; however, related expenses such as utilities and building security may be charged to the grant.
- Outreach; to support, inform, and provide outreach to victims about available services. For example, a shelter could distribute brochures listing the signs of domestic violence, describing the services available, and providing a hotline number to access the services. Initiatives designed to reach victims, rather than raise awareness generally, may be supported with STOP funds.
- Pro-rated share of food for emergency client needs and the pro-rated share of food purchases for domestic violence shelter resident's use.
- Provide services to incarcerated victims but only to address the domestic violence, dating
 violence, sexual assault, or stalking victimization experienced by the incarcerated individual, including
 both crimes experienced while incarcerated and crimes experienced at other points in their youth and
 adult lives.
- **Gift cards to clients** are only allowable to the extent that they are used for allowable costs under STOP, such as the purchase of emergency food for STOP clients or gas for victims to attend court, appointments etc., related to the victimization. However, agencies must acquire a receipt from the client which documents only allowable items (food or gas-in the example) were purchased. Without copies of these receipts, these costs will be deemed unallowable by CVAD/VSS.
- Rent and Deposits; to cover a victim's first month's rent. Deposits are also allowable if the
 subrecipient has an agreement with the landlord that the full/remaining deposit will be returned to the
 subrecipient and not the victim at the end of the lease.
- Meaningful access; agencies are encouraged to allocate funds to support activities that help to
 ensure individuals with disabilities and deaf individuals and persons with limited English proficiency
 have meaningful and full access to their programs. For example, grant funds can be used to support
 American Sign Language (ASL) interpreter services, language interpretation and translation services,

or the purchase of adaptive equipment. Applicants proposing to use grant funds to create websites, videos and other materials must ensure that they are accessible to persons with disabilities and grant funds must be allocated for these purposes.

- Services to LGBT victims; to provide services to lesbian, gay, bisexual, or transgender (LGBT) victims of domestic violence, dating violence, sexual assault, and stalking. Gay, bisexual, and transgender male victims who request services cannot be refused such services based on their sex.
- **School programs**; to support programs in schools to the extent that they fit within one or more of the STOP program's statutory program purpose areas. For example, STOP funds could be used to provide support groups that meet at school for dating violence victims or to provide information to students about services available to help victims of dating violence. However, STOP funds may not support general prevention programs in schools.
- Civil Legal Assistance; to support civil legal assistance and advocacy services including legal
 information and resources and divorce for: 1) victims of domestic violence and 2) non-offending
 parents in matters that involve allegations of child sexual abuse. Applicants should contact OCJP
 prior to including divorce services in their STOP project.
- Co-location of services. However, if any of the underlying services at the center cannot be funded through STOP VAWA, such as substance abuse counseling, then the staffing for those services still cannot be supported through this purpose area, just the co-location. For example, co-location costs might include a centralized intake person, rent, or security.
- SANE/SAFE programs and related activities including: SANE/SAFE personnel; expert testimony of SANE/SAFE personnel; forensic evidence collection kits ("rape kits"); equipment, such as colposcopes, swab dryers, and lights; outreach efforts to inform victims about available services; victim advocate personnel to accompany victims through the forensic examination process; on-going counseling services for victims; and/or on-call time of the SANE/SAFE personnel.

See also Chapter XVI. Allowable Costs

Unallowable Costs

VAWA funds may not be used for/to:

- Children services; to support services that focus exclusively on children.
- Curriculum for primary or secondary schools; to support the development or presentation of a
 domestic violence, sexual assault, dating violence and/or stalking curriculum for primary or secondary
 schools. Funds may not be used to teach primary or secondary school students from an already
 existing curriculum
- Legal or defense services for perpetrators of violence against women.
- Public awareness campaign; the production or broadcasting of public awareness announcements
 or media campaigns or community education campaigns or related activities. Grant funds may be
 used to support, inform, and conduct outreach to victims about available services.
- Support inherently religious activities.
- Lease and/or purchase vehicles.
- Renovations; including minor renovations such as painting or replacing carpeting.
- Moving; moving household goods to a new location or acquiring furniture or housing in a new location when a survivor is leaving a shelter.
- Immigration fees; for immigration fees for battered immigrant women.
- Law Enforcement Equipment; including uniforms, safety vests, shields, weapons, bullets, and/or armory.
- Drug and Alcohol programs; to pay for chemical dependency or alcohol abuse programs.
- Research; to conduct research.
- Construction projects.
- Acquisition of land or real property.
- **Fundraising**; including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions.
- Substance abuse counseling.
- Criminal defense work, including defending women who assault, kill, or otherwise injure their abusers.

The following activities have been found to jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions and cannot be supported with STOP VAWA funds:

- Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or gender of their children.
- Procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW funded services.
- Offering perpetrators the option of entering pre-trial diversion programs or placing batterers in anger management programs.
- Requiring mediation or counseling for couples as a systemic response to domestic violence or sexual assault or in situations in which child sexual abuse is alleged.
- Requiring victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings.
- Relying on court-mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior.
- Supporting policies or engaging in practices that impose restrictive conditions to be met by the victim in order to receive services (e.g., attending counseling, seeking an order of protection).

See also Chapter XVII. Unallowable Costs

Reporting Requirements

The Project Director is responsible for timely submission of completed program and fiscal reports. Please see <u>Chapter IX</u>. Reporting Requirements for specific information.

NOTE: The Program is required to gather and maintain statistical data relating to grant project activities as required by CVAD. During desk audits, on-site monitoring and any other time at CVAD's discretion, CVAD may request to see the back-up data that supports the information submitted on your reports.

Match Requirements

Match is required for all agencies, except victim service providers and tribal government organizations. For an agency to qualify under this exclusion, the recipient must be an organization that is recognized by the Internal Revenue Service (IRS) as a tax-exempt organization described in section 501(c)(3) of Title 26 of the United States Code (unless it is a Tribal governmental organization or a governmental rape crisis center in a state other than a territory).

The following provisions apply to match requirements:

- 1. Subgrantees may satisfy the match requirement with either cash (e.g., funds contributed from private sources or state and local governments) or in-kind services (e.g., services or goods donated by the applicant organization or other entities).
- 2. Funds from other federal sources may not be used to meet the match requirement.
- 3. Funds or in-kind resources used as match must be directly related to the project goals and objectives.
- 4. Subgrantees must maintain records which clearly show the source, the amount, and the timing of all matching contributions.
- Sources of match are restricted to the same requirements as federal grant sources allocated to the project and must be documented in the same manner as federal sources, including financial and programmatic reports.

Match Calculation:

Those funded with STOP VAWA funds will calculate their required match by taking the total amount of grant funds requested and divide by 1/3. For example, if grant funds total \$50,000, your agency must provide \$16,667 in match (50,000 divided by 3 = 16,666.67).

Contract Period

Subrecipient subawards will be issued annually for every year of the three-year application period.

The majority of the contracts are issued for a 12-month period beginning October 1, and ending September 30 of the following year. The subaward will include the amount of funds awarded for that year. During a multi-year award cycle, a contract is issued annually.

Each grantee must be in compliance with state and federal rules and in good standing with the Victim Services Support Program (VSS) requirements and procedures to receive funding in the second and third years of the cycle. The amount available to designated programs in the second and third year of the cycle will be based on the State and Federal funds available.

For more information on CVAD Contracts with subrecipients, please see <u>Chapter II. Post-Award</u> Requirements, CVAD Contracts.

Non-Supplanting

Federal funds must be used to supplement existing funds for program activities and not replace those funds, which have been appropriated for the same purpose. Potential supplanting will be the subject of application review, as well as pre-award review, post-award monitoring, and audit. If there is a potential presence of supplanting, the grant recipient will be required to supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

For more information on non-supplantation and grant requirements, see <u>Chapter III. Financial</u> Requirements, Grant Accountability Requirements.

